

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

UNITED STATES OF AMERICA,

**Case No. 23-80101-CR
CANNON/REINHART**

vs.

DONALD J. TRUMP,
WALTINE NAUTA, and
CARLOS DE OLIVEIRA,

Defendants.

**PRESIDENT DONALD J. TRUMP'S MOTION FOR
TEMPORARY LEAVE TO FILE REDACTED BRIEF**

President Donald J. Trump respectfully submits this motion for temporary leave to file redacted motions to compel as ordered by the Rule 16 Protective Order, ECF No. 27. “Defendants shall not disclose Discovery Material in any public filing or in open court without notice to, and agreement from, the United States, or prior approval from the Court.” *Id.* ¶ 7.¹

Today, President Trump, Waltine Nauta, and Carlos De Oliveira filed various motions to compel discovery and, as part of the filing, cited to and attached as exhibits various Discovery Material, as that term is defined in the Rule 16 Protective Order (the “Redacted Material”). *See id.* ¶ 1. Today, unredacted versions of the motions and exhibits were served on the Court and the Special Counsel’s Office.

“[P]ursuant to the local rules for the Southern District of Florida, proceedings are public and court filings are ‘matters of public record.’” *United States v. Maurival*, 795 F. App’x 725, 726

¹ Defendants Waltine Nauta and Carlos De Oliveira join in this motion and the relief requested herein. The Special Counsel’s Office indicated its position as follows: “Because the Government learned today of the defense’s intention to seek permission to unseal these documents, the Government does not know exactly what they are and cannot take a position. Once the Government has reviewed the materials the defense seeks permission to unseal, we will respond to the motion to unseal by January 18, 2024.”

(11th Cir. 2019) (quoting S.D. Fla. L.R. 5.4(a)). A party seeking to seal documents in a criminal case “must set forth the factual and legal basis for departing from the court’s open-access policy.” *Id.* (quoting S.D. Fla. L.R. 5.4(c)(1)) (cleaned up); *see also* ECF No. 41 (“[The Government] does not offer a particularized basis to justify sealing the list from public view; it does not explain why partial sealing, redaction, or means other than sealing are unavailable or unsatisfactory; and it does not specify the duration of any proposed seal.”).

Considering the nature of the Redacted Material, Defendants do not contend that the motions to compel should remain under seal or in redacted form during the pendency of this case. No compelling interest in sealing the motions exists here. Further, absent the Rule 16 Protective Order’s directive concerning Discovery Material, there would be no legal basis for redacting the motions, other than as provided for by the Federal Rules of Criminal Procedure, Local Rules, and CM/ECF Administrative Procedures. *See* Fed. R. Crim. P. 49.1(a); S.D. Fla. L.R. 5.3; CM/ECF Administrative Procedures, Section 6, Redaction of Personal Information, Privacy Policy, and Inappropriate Materials.

For these reasons, and pursuant to the directive of the Rule 16 Protective Order, Defendants provide notice to the Special Counsel's Office and respectfully seek the Court's approval to file the motions to compel in unredacted form, except for email addresses and personal identifiers or other information requiring redaction under the Federal Rules of Criminal Procedure, Local Rules, or CM/ECF Administrative Procedures.

Dated: January 16, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Christopher M. Kise, certify that on January 16, 2024, I electronically filed the foregoing document with the Clerk of Court using CM/ECF.

/s/ Christopher M. Kise
Christopher M. Kise